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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,776

10/22/2003

Frantz Germain

0267-1952(A)

6953

31108

7590

06/16/2006

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EXAMINER

BARRERA, RAMON M

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,776

Applicant(s)

GERMAIN ET AL.

Examiner

Ramon M. Barrera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 53-68 is/are pending in the application.
- 4a) Of the above claim(s) 23-30 and 53-67 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4, 15, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 4 and 15, antecedent basis is lacking for “the latch”. In claim 22, on line 1, between “the” and “pair”, --third— should be inserted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-22 and 68 are rejected under 35 U.S.C. 102(b) as being anticipated by DiSalvo, et al.(US6246558).

DiSalvo discloses a circuit interrupting device comprising: a first pair of terminals [34,38] capable of being electrically connected to a source of electricity; a second pair of terminals [36,40] capable of conducting electrical current to a load when electrically connected to said first pair of terminals; a third pair of terminals [58,78] capable of being electrically connected to user accessible plugs and/or receptacles where the first, second and third pair of terminals are electrically isolated from each other; a pair of movable bridges [50,70] electrically connected to the first pair of terminals, said movable bridges capable of electrically

connecting the first, second and third pairs of terminals to each other; a circuit interrupting portion 26 (fig. 2) having a circuit interrupter coupled to the pair of movable bridges, which circuit interrupter when energized due to the occurrence of a predetermined condition, is capable of engaging said pair of movable bridges causing electrical discontinuity between said first, second and third pairs of terminals, and a reset portion which when activated is either capable of activating at least a portion of the circuit interrupter engaging the pair of movable bridges to reestablish electrical continuity between the first, second and third pairs of terminals, or is not capable of activating the at least portion of the circuit interrupter thus preventing the pair of movable bridges from reestablishing electrical continuity between the first, second and third electrical conductors; where the condition comprises a ground fault, an arc fault, an appliance leakage fault, equipment leakage fault or an immersion detection fault [col 4, lines 63-col 5, lines 1-2]; further comprising a trip portion that is configured to cause electrical discontinuity between the first, second and third electrical conductors; where the trip portion comprises a test button 202 having an angled end portion 206 for engaging the latch plate 100; further comprising a sensing circuit [fig. 12] for detecting the occurrence of the predetermined condition; where the circuit interrupting portion comprises a coil 90 and plunger assembly 92, a latch plate 100 and lifter assembly 94 and a mechanical switch assembly 26 for engaging a sensing circuit used to detect the condition; where the reset portion comprises a reset button 30 attached to a reset pin 110 which has a flange portion 112

extending from and integral with its end portion; where the movable bridges are electricity conducting spring arms mechanically biased away from the second and third electrical conductors (figs. 5,6); where the first pair of terminals electrical conductor comprises a contact connected to electric conducting material at least part of which extends outside of a housing within which the circuit interrupting device resides (34 in fig. 1); where the second pair of terminals electrical conductor comprises a contact connected to electric conducting material at least part of which extends outside of a housing within which the circuit interrupting device resides (36 in fig. 1); where the third pair of terminals comprises a pair of contacts connected to a conducting frame forming a pair of receptacles [16,17,18,24,25,26] that is accessible from outside of a housing within which the circuit interrupting device resides.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramon M. Barrera whose telephone number is (571) 272-1987. The examiner can normally be reached on Monday through Friday from 11 to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Ramon M Barrera
Primary Examiner
Art Unit 2832

rmb